

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

BRYAN RISER,
Plaintiff,

vs.

ESTEBAN MONTENEGRO,
Defendant.

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Civil Action No. 3:22-CV-01014-C

**DEFENDANT’S NOTICE OF INTENTION TO FILE A MOTION FOR SUMMARY
JUDGMENT ASSERTING QUALIFIED IMMUNITY**

NOW COMES Esteban Montenegro, Defendant in this cause (hereinafter “Defendant”) and files this notice of intention to file a motion for summary judgment asserting qualified immunity, pursuant to the Court’s order.

SUMMARY

Pursuant to the Court’s order on June 8, 2023 [Dkt. 22], Defendant hereby notifies the Court that he will not be filing a motion to dismiss based on qualified immunity, but does intend to file a motion for summary judgment asserting qualified immunity.

PROCEDURAL HISTORY

1. The Court’s Order on June 8, 2023, outlined the procedure moving forward regarding Defendant’s assertion of the defense of Qualified Immunity in his Original Answer. [Dkt. 22].
2. The Court ordered Plaintiff to file a Rule 7(a) reply to all assertions of qualified immunity within thirty (30) days of June, 8 2023.
3. On July 10, 2023, Plaintiff filed his Rule 7(a) Reply. [Dkt. 25]. The deadline for Defendant to notify the Court of his intention to file a motion for summary judgment is

thirty (30) days after the date of Plaintiff's Rule 7(a) reply. [Dkt. 22].

NOTIFICATION

Defendant Esteban Montenegro hereby notifies the Court that he intends to file a motion for summary judgment asserting qualified immunity.

Respectfully submitted,

**FANNING, HARPER, MARTINSON,
BRANDT & KUTCHIN, P.C.**

By: /s/ Thomas P. Brandt

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2023, I electronically filed the foregoing document with the Clerk of the Court through the ECF system and an email notice of the electronic filing was sent to all attorneys of record.

/s/ Thomas P. Brandt

THOMAS P. BRANDT